

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	8:07CR339
)	
Plaintiff,)	
)	ORDER
v.)	
)	
LAWRENCE RAY COOK,)	
)	
Defendant.)	

This matter is before the court on the defendant's motion to represent himself on appeal and motion to proceed in forma pauperis. Filing No. [100](#). The Sixth Amendment guarantees a defendant the right to counsel, as well as the right to waive counsel. *United States v. Abdul-Aziz*, 486 F.3d 471, 474 (8th Cir. 2007). "Before permitting a defendant to represent himself, however, 'the trial court must determine that he is competent to stand trial and that he is knowingly and voluntarily waiving his right.'" *Id.* at 474-75 (quoting *Wise v. Bowersox*, 136 F.3d 1197, 1202 (8th Cir.1998)). The Eighth Circuit Court of Appeals "will uphold such grant 'if the record shows either that the court adequately warned him or that, under all the circumstances, he knew and understood the dangers and disadvantages of self representation.'" *Abdul-Aziz*, 486 F.3d at 475 (quoting *United States v. Mentzos*, 462 F.3d 830, 838 (8th Cir. 2006)). Accordingly, the court finds a hearing is necessary.

IT IS HEREBY ORDERED that a hearing will be held on the defendant's pro se motion to represent himself on appeal (Filing No. [100](#)), on **April 9, 2009, at 3:00 p.m.**, in Courtroom No. 3, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska. **The defendant will not appear in person at the hearing. If the defendant wishes to participate telephonically, his attorney must arrange this through the Bureau of Prisons and notify chambers 24 hours before the hearing of the phone number and contact person for this hearing.**

DATED this 31st day of March, 2009.

BY THE COURT:

s/ Joseph F. Bataillon

Chief District Judge